

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Murgio	Team: Squad #2	CCRB Case #: 202003704	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/31/2020 9:15 PM	Location of Incident: Bergen Street and Carlton Avenue	Precinct: 78	18 Mo. SOL 11/30/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sun, 05/31/2020 10:15 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 05/31/2020 10:15 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Donald Huo	02630	938689	TB DT30

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Hassan Shahbaz	14362	961275	TB DT30
2. POM Terry Serrano	18349	962096	TB DT30
3. POF Cynthia Inga	26025	964065	TB DT30
4. POM Robert Gauntlett	13781	967888	TB DT30
5. POM Kieran McMahon	13506	962603	TB DT30
6. POM Muhammad Saeed	21372	962283	TB DT30
7. POF Layla Almasadzhidi	01274	964363	TB DT30
8. POM Jamal Taousse	27610	968833	TB DT30
9. POM Thomas Depalo	25030	918933	TB DT30

Officer(s)	Allegation	Investigator Recommendation
A.SGT Donald Huo	Abuse: Sergeant Donald Huo questioned § 87(2)(b)	
B.SGT Donald Huo	Abuse: Sergeant Donald Huo questioned § 87(2)(b)	

Case Summary

On May 31, 2020, § 87(2)(b) filed this complaint via the CCRB website on behalf of herself and her partner, § 87(2)(b).

On May 31, 2020, at some time after 9:15 p.m., § 87(2)(b) and § 87(2)(b) were returning to their home at § 87(2)(b) in Brooklyn, which is located on the same block as the 78th Precinct stationhouse, from a trip outside the city. They parked their car and walked towards the intersection of Bergen Street and Carlton Avenue, where a barricade was set up. Several uniformed officers, including Sergeant Donald Huo of Transit District 30, who was the supervisor at the location, and eight police officers of Transit District 30, were stationed at the barricade. § 87(2)(b) and § 87(2)(b) approached the barricade, and § 87(2)(b) told the officers that they lived on the block. An unidentified officer asked § 87(2)(b) and § 87(2)(b) for identification (**Allegation A: Abuse of Authority – Question – § 87(2)(g)** and **Allegation B: Abuse of Authority – Question – § 87(2)(g)**). § 87(2)(b) showed his ID to the officer, who allowed him and § 87(2)(b) to continue down the block to their home. The entire interaction lasted approximately 30 seconds.

No video evidence was found for this incident. § 87(2)(g)

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Donald Huo questioned § 87(2)(b)

Allegation (B) Abuse of Authority: Sergeant Donald Huo questioned § 87(2)(b)

§ 87(2)(b) was interviewed by phone on June 4, 2020 (Board Review 01). § 87(2)(b) was interviewed by phone on June 8, 2020 (Board Review 02). Police Officer Terry Serrano was interviewed remotely via Microsoft Teams on September 18, 2020 (Board Review 03). Sergeant Donald Huo was interviewed remotely via Microsoft Teams on October 13, 2020 (Board Review 04).

It is undisputed that protests occurred in the area near Barclays Center (approximately 0.3 miles from the incident location) on May 31, 2020 (Board Review 13) and that the incident location was at the end of the block on which the 78th Precinct stationhouse is located. It is further undisputed that officers from Transit District 30 were stationed at a detail at the intersection of Bergen Street and Carlton Avenue on the evening of May 31, 2020, where a barricade was set up. It is also undisputed that officers at that barricade requested civilians trying to pass the barricade to prove that they lived on the block before they would be allowed past.

§ 87(2)(b) stated that he and § 87(2)(b) approached the barricade at the intersection and that he told the officers that they lived on the block. An unidentified officer, whom § 87(2)(b) described as an approximately 5'7" tall uniformed Hispanic male in his early 30s with a medium build and wearing a helmet and a mask, told § 87(2)(b) that the block was closed and that he needed to see identification. § 87(2)(b) showed his identification to the officer, and § 87(2)(b) stated that she did not have any identification with her current address with her. The officer allowed § 87(2)(b) and § 87(2)(b) to continue down the block and go home.

§ 87(2)(b)'s account of the events was consistent with § 87(2)(b)'s account of events, but she described the officer who requested to see identification as an approximately 5'9"-5'10" tall

uniformed Hispanic male in his late 30s to early 40s with pale skin, dark eyes, dark hair, and an average build. She stated that the incident lasted approximately 30 seconds.

Sergeant Huo confirmed that he wrote the detail roster and supervised the officers stationed at the location according to the detail roster (Board Review 08, page 22). The purpose of the checkpoint was to secure the 78th Precinct stationhouse, which is located at the end of the block that Sergeant Huo and his officers were guarding, during a night of protests. Sergeant Huo received instructions in-person from an unknown lieutenant from the 78th Precinct (He could not recall who this lieutenant was, and the lieutenant was not present at the incident location) that no civilians were allowed to cross the barricade except for those who lived on the barricaded block, who could cross the barricade if they showed identification or other documentation proving that they lived there. Sergeant Huo passed these instructions to the officers he supervised that night.

Police Officer Serrano was the only Hispanic male stationed at the detail at Bergen Street and Carlton Avenue, according to the detail roster (Board Review 08, page 22). He believed that some pedestrians passed the barricade to enter the block, but he was on the other end of the barricade from these pedestrians. Police Officer Serrano denied personally requesting identification from any pedestrians. His account was consistent with Sergeant Huo's as to the stated purpose for the barricade and the instructions he and the other officers at the barricade received from Sergeant Huo.

Patrol Guide Procedure 212-11 states that a request for information (Level 1 Encounter) is an encounter between an officer and a civilian conducted for the purpose of requesting information from the civilian. The officer must have an objective credible reason to approach the civilian. The objective must be to gather information and not to focus on the person as a potential suspect. The officer may seek information related to the reasons the person was approached, such as name, address, and destination, if those questions are related to the objective credible reason for the approach. It defines objective credible reason as a reason based on more than a hunch or a whim. The reason to gather information may relate to a public safety function or a law enforcement function but need not be based on any indication of criminality (Board Review 14).

Patrol Guide Procedure 213-05 states that when addressing an "unusual disorder" officers can be assigned to "perimeter check point posts" at certain roadways to "detour traffic around the disorder area, identify alternate routes for detoured traffic, prevent unauthorized entry into the disorder area [and] prevent disorderly groups from entering or exiting [the] disorder area."

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been parties (Board Review 05).

- Sergeant Donald Huo has been a member-of-service for 15 years and has been a subject in 3 CCRB complaints and 6 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- Given that it was related to a protest, this case was not suitable for mediation.
- As of October 28, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (Board Review 10).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 06).

§ 87(2)(b)

Squad No.: 2

Investigator: Rachel Murgu Inv. Rachel Murgu 11/10/2020
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang IM Alexander Opoku-Agyemang 11/10/2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date